

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

GD CONCRETE CONSTRUCTION, INC., a
Nebraska corporation;

Plaintiff,

vs.

THE WHITING-TURNER CONTRACTING
COMPANY, a Maryland corporation; and
MUSEUM OF NEBRASKA ART, INC., a
Nebraska corporation;

Defendants.

8:24CV287

ORDER TO SHOW CAUSE

This matter comes before the Court after a review of the docket and pursuant to [NECivR 41.2](#), which states in relevant part: “At any time, after appropriate notice, a case not being prosecuted with reasonable diligence may be dismissed for lack of prosecution.”

Plaintiff originally filed this action in Nebraska state court. The Court takes judicial notice of the Nebraska state court docket at CI 24-270. See [Widtfeldt v. IRS, No. 8:20-CV-87, 2020 WL 5027543, at *4 n.5 \(D. Neb. Aug. 25, 2020\)](#) (collecting cases) (Court may take judicial notice of state court docket of case prior to removal). Plaintiff filed a return of service in CI 24-270 indicating it served Defendant Museum of Nebraska Art (“MONA”) on July 12, 2024. Defendant The Whiting-Turner Contracting Company (“Whiting-Turner”) subsequently removed the case to this Court on July 19, 2024. [Filing No. 1](#). Whiting-Turner filed an answer and asserted a counterclaim against Plaintiff on July 30, 2024. [Filing No. 5](#). Neither MONA nor Plaintiff filed responsive pleadings.

Plaintiff and Whiting-Turner both have a duty to prosecute their claims with reasonable diligence and advance the case in accordance with the applicable rules and/or take other action as appropriate.

Accordingly,

IT IS ORDERED:

- 1) Plaintiff shall have until September 20, 2024 to show cause why its claims against MONA should not be dismissed pursuant to [NECivR 41.2](#) for want of prosecution. The failure to timely comply with this order may result in dismissal of the claims against MONA without further notice.
- 2) Whiting-Turner shall have until September 20, 2024 to show cause why its counterclaim against Plaintiff should not be dismissed pursuant to [NECivR 41.2](#) for want of prosecution. The failure to timely comply with this order may result in dismissal of the counterclaim against Plaintiff without further notice.

Dated this 6th day of September, 2024.

BY THE COURT:

s/ Jacqueline M. DeLuca

United States Magistrate Judge